

FILED

JAN 19 2012

*Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAW OFFICES OF SNIDER AND ASSOCIATES,)
LLC.)
600 Reisterstown Road, 7th Floor)
Baltimore, MD, 21208)

Plaintiff,

v.

MARTHA N. JOHNSON, ADMINISTRATOR)
U.S. GENERAL SERVICES ADMINISTRATION)

Serve: Martha N. Johnson)
1275 First Street, NE)
Washington, DC 20417)

Serve: United States Attorney)
District of Columbia)
555 Fourth Street, NW)
Washington, DC 20530)

Serve: United States Attorney General)
950 Pennsylvania Avenue, NW)
Washington, DC 20530-0001)

Defendant.)

Case: 1:12-cv-00098

Assigned To : Kollar-Kotelly, Colleen

Assign. Date : 1/19/2012

Description: FOIA/Privacy Act

**JURY
ACTION**

JURY TRIAL DEMAND

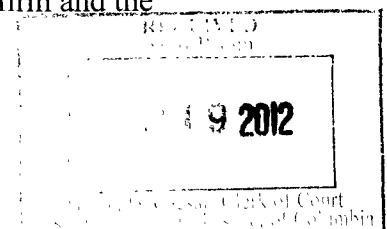
COMPLAINT

1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. §522, as amended, to compel the production of records as requested by Plaintiff.

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. §552(a)(4)(B) and 28 U.S.C. § 1331. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

PARTIES

3. Plaintiff Law Offices of Snider and Associates, LLC is a law firm and the



requester of the withheld records.

4. Defendant U.S. GENERAL SERVICES ADMINISTRATION (hereinafter "GSA") is an agency of the United States, and has possession of and control over the records that Plaintiff seeks.

STATEMENT OF FACTS

5. On December 5, 2011, pursuant to the Freedom of Information Act, 5 U.S.C. § 552 et. seq., Plaintiff made a request of certain records from Defendant. A Copy of Plaintiff's request is attached hereto as Exhibit 1.

6. On December 7, 2011, Defendant acknowledged receipt of Plaintiff's request and stated that a response should be forthcoming January 6, 2012. A Copy of Defendant's acknowledgement is attached hereto as Exhibit 2. Defendant also stated that if necessary they would contact Plaintiff if additional time is needed to complete the request.

7. Pursuant to 5 U.S.C. § 552(a)(6)(A), Defendant had to determine within twenty days after the receipt Plaintiff's requests whether to comply with Plaintiff's request and had to immediately notify Plaintiff of such determination and the reasons therefore, and of the right to appeal to the head of the agency for any adverse determination, or otherwise notify Plaintiff of "unusual circumstances" as specified under 5 U.S.C. § 552(a)(6)(B).

8. As of today's date Plaintiff has not received a proper response to its FOIA request.

9. Plaintiff respectfully submits that it has a statutory right to the referenced records, as specified in its' request noted in paragraph 5 above, and that there is no legal basis for the Defendant's refusal or failure to disclose them.

CAUSE OF ACTION
VIOLATION OF THE FREEDOM OF INFORMATION ACT FOR
FAILURE TO COMPLY WITH STATUTORY DEADLINES

11. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if they were set-forth herein.

12. Non-response to Plaintiff's FOIA requests violated the statutory deadlines imposed by the FOIA, including the deadlines set forth in 5 U.S.C. § 552(a)(6)(A).

13. Plaintiff has exhausted the applicable administrative remedies with respect to Plaintiff's FOIA requests.

14. GSA has wrongly withheld responsive agency records from Plaintiff.

15. Plaintiff is entitled to injunctive relief compelling the release and disclosure of the requested agency records.

WHEREFORE, Plaintiff requests that this Court declare unlawful Defendant's refusal to disclose the records requested by Plaintiff; order Defendant to make the requested records available to Plaintiff; award Plaintiff's costs and reasonable attorney's fees in this action as provided by 5 U.S.C. § 552(a)(4)(E); and, grant such other and further relief as this Court may deem just and proper.

JURY TRIAL DEMANDED

Plaintiff requests a trial by jury on all matters so triable.



One of The Attorneys For Plaintiff

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Allan E. Feldman', written over a horizontal line.

Allan E. Feldman, Esq. #503357 ✓
Snider & Associates, LLC
600 Reisterstown Road, 7th Floor
Baltimore, MD, 21208
410-653-9060 phone
410-653-9061 fax
Attorneys For Plaintiff

EXHIBIT 1

12 0098

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December 5, 2011

SENT VIA EMAIL

General Services Administration
FOIA Requester Service Center (XA)
1800 F Street, NW, Room 6001
Washington, DC 20405
(202) 501-2727 Fax
gsa.foia@gsa.gov

Re: Freedom of Information Act (FOIA) Request for Information

Pursuant to the federal Freedom of Information Act, 5 U.S.C. §552, I request:

- 1. A list of all overtime worked and all overtime pay, for each Office of Personnel Management (OPM) Bargaining Unit Employee represented by AFGE Local 32 (BUS Codes 1131 or 2286), by employee and by pay period, showing pay rate, since July 15, 2001, and including each employee's last name, first name, Position title, Agency position number, Position Description number, job series, grade, step, and FLSA Exemption status (E or N). I request that this data be provided in electronic spreadsheet (Excel) format.**
- 2. A list of all compensatory time earned by each OPM Bargaining Unit Employee, by employee and by pay period, showing pay rate, since July 15, 2001, and including last name, first name, Position title, Agency position number, Position Description number, job series, grade, step, and FLSA Exemption status (E or N). I request that this data be provided in electronic spreadsheet (Excel) format.**
- 3. A list of all comp time used by each OPM Bargaining Unit Employee, by employee and pay period, showing pay rate, since July 15, 2001, and including last name, first name, Position title, Agency position number, Position Description number, job series, grade, step, and FLSA Exemption status (E or N). I request that this data be provided in electronic spreadsheet (Excel) format.**
- 4. A list of all credit hours earned by each OPM Bargaining Unit Employee, by employee and by pay period, showing pay rate, since July 15, 2001, and including last name, first name, Position title, Agency position number, Position Description number, job series,**

grade, step, and FLSA Exemption status (E or N). I request that this data be provided in electronic spreadsheet (Excel) format.

5. A list of all credit hours used by each OPM Bargaining Unit Employee, by employee and pay period, showing pay rate, since July 15, 2001, and including last name, first name, Position title, Agency position number, Position Description number, job series, grade, step, and FLSA Exemption status (E or N). I request that this data be provided in electronic spreadsheet (Excel) format.

6. A list of all credit hours left unused (that "fell off the books") by each OPM Bargaining Unit Employee, by employee and pay period, showing pay rate, since July 15, 2001, and including last name, first name, Position title, Agency position number, Position Description number, job series, grade, step, and FLSA Exemption status (E or N). I request that this data be provided in electronic spreadsheet (Excel) format.

I agree to pay reasonable duplication fees for the processing of this request in a reasonable amount not to exceed \$250.00. Please notify me prior to your incurring any expenses in excess of that amount. I can pick up the documents in person with notice, or they can be mailed to me on CD, or emailed if in electronic form, to m@sniderlaw.com.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires.

Sincerely,

_____/s/_____
Michael J. Snider, Esq.
Snider and Associates, LLC
104 Church Lane, Suite 100
Baltimore, MD 21208
410-653-9060
410-653-9061 fax
m@sniderlaw.com

EXHIBIT 2

12 0098

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Yehuda Goldberg

From: sharon.lighton@gsa.gov on behalf of GSA.FOIA@gsa.gov
Sent: Wednesday, December 07, 2011 2:10 PM
To: Yehuda Goldberg
Subject: Re: Freedom of Information Act Request
Attachments: OPM OT Data FOIA 12-5-11.pdf

Good afternoon,

This is to inform you that your FOIA request has been received by the GSA FOIA Office and assigned control number 210128. A response should be sent to you on or before January 6, 2012. Please note, however, it may not always be possible to provide you with a response within this time period. If necessary, we will contact you if additional time is needed to complete your request.

Thank you,

Sharon Lighton
GSA FOIA Office

Yehuda Goldberg <yehuda@sniderlaw.com>

12/05/2011 05:39 PM

To "gsa.foia@gsa.gov" <gsa.foia@gsa.gov>
cc M Snider <m@sniderlaw.com>, Keith Kauffman <kkauffman@sniderlaw.com>
Subject Freedom of Information Act Request

To Whom It May Concern:

Please find the attached FOIA request. Please copy all parties to this email on any response.

Yehuda A. Goldberg
Paralegal
Snider and Associates, LLC
600 Reisterstown Road - 7th Floor
Baltimore, MD 21208
410-653-9060
410-653-9061 fax
yehuda@sniderlaw.com
www.sniderlaw.com